

OCT 19 2010

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IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA

## COMPLAINT UNDER CIVIL RIGHTS ACT 42 U.S.C. § 1983

Action Number 1:10CV1181 JCC/JFA  
(To be supplied by the Clerk,  
U.S. District Court)

Please fill out this complaint form completely. The court needs the information requested in order to assure that your complaint is processed as quickly as possible and that all your claims are addressed. Please print/write legibly or type.

## I. PARTIES

## A. Plaintiff:

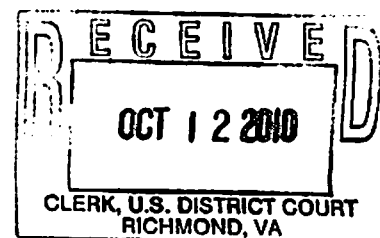
1. (a) ANTHONY BENJAMIN (b) 1160686  
(name) (inmate number)
- (c) R.R.J-P.O.BOX 3300  
(address)  
STAFFOD, VA 22555

Plaintiff MUST keep the Clerk of Court notified of any change of address due to transfer or release. If plaintiff fails to keep the Clerk informed of such changes, this action may be dismissed.

## B. Defendant(s):

Plaintiff is advised that only persons acting under color of state law are proper defendants under section 1983. The Commonwealth of Virginia is immune under the Eleventh Amendment. Private parties such as attorneys and other inmates may not be sued under section 1983. In addition, liability under section 1983 requires personal action by the defendant that caused you harm. Normally, the Director of the Department of Corrections, wardens and sheriffs are not liable under section 1983 just because they supervise persons who may have violated your rights. These persons are liable only if they were personally involved in the alleged deprivation. In addition, prisons, jails, and departments within an institution are not persons under section 1983.

1. (a) (FIRST NAME UNKNOWN) REID (b) CORPORAL  
(name) (title/job description)
- (c) R.R.J-P.O.BOX 3300  
(address)  
STAFFORD, VA 22555



2. (a) (FIRST NAME UNKNOWN)WILSON (b) CASE MANAGER  
(name) (title/job description)
- (c) R.R.J-P.O.BOX 3300  
(address)  
STAFFORD, VA 22555
3. (a) \_\_\_\_\_ (b) \_\_\_\_\_  
(name) (title/job description)
- (c) \_\_\_\_\_  
(address)  
\_\_\_\_\_

If there are additional defendants, please list them on a separate sheet of paper. Provide all identifying information for each defendant named.

Plaintiff MUST provide an address for defendant(s) in order for the court to serve the complaint. If plaintiff does not provide an address for a defendant, that person may be dismissed as a party to this action.

In addition, plaintiff MUST provide a copy of the completed complaint and any attachments for EACH defendant named.

## II. PREVIOUS LAWSUITS

A. Have you ever begun other lawsuits in any state or federal court relating to your imprisonment? Yes [ ] No [☒]

B. If your answer to A is YES: You must describe any lawsuit, whether currently pending or closed, in the space below. [If there is more than one lawsuit, you must describe each lawsuit on another sheet of paper, using the same outline, and attach hereto.]

1. Parties to previous lawsuit:

Plaintiff(s) \_\_\_\_\_

Defendant(s) \_\_\_\_\_

2. Court [if federal court, name the district; if state court, name the county]: \_\_\_\_\_

3. Date lawsuit filed: \_\_\_\_\_

4. Docket number: \_\_\_\_\_
5. Name of Judge to whom case was assigned:  
\_\_\_\_\_
6. Disposition [Was case dismissed? Appealed? Is it still pending? What relief was granted, if any?]:  
\_\_\_\_\_

### III. GRIEVANCE PROCEDURE

- A. At what institution did the events concerning your current complaint take place? AT RAPPAHANNOCK REGIONAL JAIL
- B. Does the institution listed in A have a grievance procedure?  
Yes ☒ No ☐
- C. If your answer to B is YES:
1. Did you file a grievance based on this complaint?  
Yes ☒ No ☐
2. If so, where and when: RAPPAHANNOCK REGIONAL JAIL, 12/4/08
3. What was the result? as your requested action or relief is satisfied. further investigation into this grievance allegation will  
proof of existed prior to being taken.
4. Did you appeal? Yes ☒ No ☐
5. Result of appeal: NO RESULT
- D. If there was no prison grievance procedure in the institution, did you complain to the prison authorities? Yes ☐ No ☐  
If your answer is YES: What steps did you take?  
\_\_\_\_\_
- E. If your answer is NO, explain why you did not submit your complaint to the prison authorities.  
\_\_\_\_\_

**STATEMENT OF THE CLAIM**

PETITIONER SUBMITTED ON OR ABOUT SEPTEMBER 25,2008.COURT DOCUMENTS IMPORTANT TO HIS CIVIL SUIT TO MRS.WILSON TO BE COPYED WHICH SHE DID NOT RETURN ALL OF THESE DOCUMENTS.PETITIONER IMMEDIATLY FILLED OUT AN INMATE REQUEST FORM ASKING ABOUT THE MISSING AFFIDAVIT (INFORMA PAUPERIS) DOCUMENT THAT CONTAINED EVIDENCE ON THE BOTTOM OF THE PAPER WHICH IT TOOK 3 DAYS THE PETITIONER TO RETRIEVE COURT DOCUMENTS EVIDENCE.(SEE EXHIBIT-B)

ON OCTOBER 24,2008 PETITIONER SUBMIT TO CORPORAL REID A 1983 FORM PACKAGE TO LET MRS.Wilson MAKE COPIES SO PETITION CAN SEND TO THE COURT. (SEE EXHIBIT-C)

ON OCTOBER 30,2008 PETITIONER SUBMIT A REQUEST FORM TO SERGEANT SHEDPHERD STATING THAT PETITIONER DID NOT RECEIVE HIS COURT DOCUMENTS BACK THAT HE GAVE CORPORAL REID TO GET COPIED FROM MRS.WILSON.ANSWER COME BACK STATING WE ARE STILL WAIT ON YOUR RESPONSE FROM THE INMATE SERVICES COORDINATOR MRS.CARTER.(SEE EXHIBIT-D)

ON OCTOBER 31,2008 PETITIONER SUBMITTED AN INMATE REQUEST FORM TO MRS. CARTER,STATING THAT IT HAVE BEEN 7 DAYS NOW AND PETITIONER DOES NOT UNDERSTAND THIS DENIAL OF HIS DOCUMENTS HELD UP BY MRS.WILSON AND CORPORAL REID.ANSWER COMES BACK FROM MRS.CARTER STATING,"I AM NOT SURE WHICH DOCUMENTS YOU ARE REFERRING TO PLEASE ADVISE.THAT SAME DAY PETITIONER RECEIVE MRS.CARTER REPILE BACK,DOCUMENTS HAVE RETURNED UNCOPIED NOW THE PETITIONER IS MISSING HIS STATEMENT CLAIM PART FROM HIS 1983 FORM.WHICH THE STATEMENT CLAIM PART CONTAINED A COMPLAINT ABOUT CORPORAL COLEMAN PEPPER SPRAYING PETITIONER WHILE PETITIONER IS DEALING WITH A MEDICAL CRISIS,WHICH MEDICAL IGNORED PETITIONER MEDICAL CONDITION.(SEE EXHIBIT-E)

ON NOVEMBER 3,2008 PETITIONER SUBMIT A INMATE REQUEST FORM TO MRS.WILSON INFORMING HER THAT PETITIONER STAEMENT OF CLAIM DOCUMENTS IS NOT WITH

HIS 1983 FORM COMPLAINT.ANSWER COMES BACK STATING"I SENT ALL DOCUMENTS BACK TO YOU.(SEE EXHIBIT-F)

ON DECEMBER 3,2008,PETITIONER SUBMITTED AN INMATE REQUEST FORM TO CORPORAL REID ASKING ABOUT HIS DOCUMENTS THAT ARE MISSING.ANSWER COMES BACK STATING "ALL PAPER WORK THAT WAS REMOVED FROM PETITIONER CELL DOOR WAS GIVEN TO MRS.WILSON.(SEE EXHIBIT-G)

ON DECEMBER 4,2008 PETITIONER FILED A GRIEVANCE STATING "PETITIONER TALKED TO CORPORAL REID ABOUT MISSING DOCUMENTS THAT WERE GOING TO THE COURT,AND TO BE COPIED BY MRS.WILSON ANSWER COMES BACK STATING "MRS.WILSON CONFIRMS ALL DOCUMENTS HAVE BEEN RETURNED TO YOU FUTHER INVESTIGATION INTO THIS GRIEVANCE ALLEGATION WILL REQUIRE YOU TO PROVIDE PROOF THAT THESE DOCUMENTS EXISTED PRIOR TO BEING TAKEN.CORPORAL REID ADMITED THAT HE TOOK THE DOCUMENTS OUT FROM THE PETITIONER CELL DOOR ALSO DOCUMENTS WAS IN THE POSSESSION OF MRS.WILSON AND CORPORAL REID FOR A PERIOD OF 7,DAYS.THESE DOCUMENTS WERE SUPPOSE TO BE GETTING PHOTO COPIED THIS NEVER HAPPEN.(SEE EXHIBIT-H)

ON DECEMBER 15,2008PETITIONER SUBMITTED A GRIEVANCE APPEAL FORM STATING THAT THE GRIEVANCE FORM ANSWER STATES PETITIONER ALLEGATION WILL REQUIRE PROOF THAT DOCUMENTS EXISTED PRIOR BEING TAKEN.CORPORAL REID ADMITTED THAT HE TOOK THE DOCUMENTS OUT OF THE PETITIONER CELL DOOR AND GAVE IT TO MRS. WILSON.(SEE EXHIBIT-I)

ON DECEMBER 30,2008 PETITIONER RECEIVED ANSWER BACK FROM HIS GRIEVANCE APPEAL STATING THAT IT IS PETITIONER RESPONSIBILITY TO KEEP A RECORD OR TRACKING SYSTEN OF ANY PAPER WORK YOU SEND OUT OF YOUR CELL.WHICH CORPORAL REID STATED THAT HE TOOK THE PAPER WORK FROM PETITIONER CELL DOOR,AND GAVE IT TO MRS.WILSON.NOW THAT DOCUMENTS THAT WERE GOING TO THE COURT FOR A CIVIL SUIT HAVE DISAPPEARED.PETITIONER STRONGLY BELIEVES THAT MRS. WILSON,AND CORPORAL REID INTENTIONAL DID AWAY WITH PETITIONER COURT DOCUMENT

AS AN ACT OF RETALIATION BECAUSE THE CIVIL SUIT COMPLAINT WAS ABOUT A STAFF MEMBER,AND NOW THE DOCUMENTS HAVE DISAPPEARED WITHOUT A TRACE.

ON AUGUST 25,2008,PETITIONER SUBMITTED AN INMATE REQUEST FORM FOR THE MAIN LAWLIBRARY.THE RAPPAHANNOCK REGIONAL JAIL POLICY IS AN INMATE IS SENTENCED THERE IS NO NEED FOR INMATES TO USE THE MAIN LAWLIBRARY. THIS POLICY HAS BEEN GOING ON FOR A VERY LONG TIME BEFORE THE PETITIONER CAME TO THIS JAIL.IN THE INMATE HAND BOOK IT STATES "RAPPAHANNOCK REGIONAL JAIL IS NOT A LEGAL AID ORGANIZATION.WE DO NOT PROVIDE LEGAL SERVICE OR ADVICE.IT IS YOUR RESPONSIBILITY TO DIRECT ALL OF YOUR LEGAL QUESTION TO YOUR ATTORNEY OR RESEARCH THE REQUIRED INFORMATION FROM THE JAIL INMATE LAWLIBRARY.HOW CAN THIS BE WHEN INMATES ARE DENIED ACCESS TO THE MAIN LAWLIBRARY AFTER THEY ARE SENTENCE AND NOT ALLOWED TO USE THE LAWLIBRARY FOR POST CONVICTION APPEALS OR HEABEA CORPUS PETITIONS.

PETITIONER(AVERS)THAT HIS CIVIL AND CONSTITUTIONAL RIGHTS HAVE BEEN VIOLATED BY MRS.WILSON,DEPRIVING PETITIONER ACCESS TO THE COURT BY NOT ALLOWING PETITIONER TO MAKE PHOTOCOPIES OF GRIEVANCES THAT COULD NOT BE HAND WRITTEN AND DEPRIVING PETITIONER HIS 1983 COMPLAINT STATEMENT DOCUMENTS BACK WHICH NOW DISAPPEARED WITHOUT A TRACE.ALSO THE RAPPAHANNOCK REGIONAL JAIL PERSONNAL HAS VIOLATED THE FIFTH AMENDMENT RIGHTS BY DFEPRIVING PETITIONER ACCESS TO THE LAWLIBRARY FOR POST CONVICTION,APPEALS OR CIVIL AND HEABEA CORPUS PETITIONS.

PETITIONER.REQUEST THAT THIS (honorable court SHOULD NOT LET THESE ACTION GO UNPUNISHED.

PETITIONER RESPECTFULLY MOVE THIS COURT TO ACCEPT THIS PETITION AND WOULD BE GREATFUL FOR A NOTIFICATION THAT THIS PETITION HAS BEEN PUT ON DOCKET TO BE HEARD.

V. RELIEF

I understand that in a section 1983 action the Court cannot change my sentence, release me from custody or restore good time. I understand I should file a petition for a writ of habeas corpus if I desire this type of relief. AB [please initial]

The plaintiff wants the Court to: [check those remedies you seek]

X award money damages in the amount of \$ ONE MILLION DOLLARS

X grant injunctive relief by TERMINATION OF PERSONNALS

X Other PUNITIVE DAMAGES TO BE DETERMINED BY COURTS

VI. PLACES OF INCARCERATION

Please list the institutions at which you were incarcerated during the last six months. If you were transferred during this period, list the date(s) of transfer. Provide an address for each institution.

DILLWYN CORRECTION CENTER, P.O. BOX 670, DILLWYN VA 23936.

VII. CONSENT

CONSENT TO TRIAL BY A MAGISTRATE JUDGE: The parties are advised of their right, pursuant to 28 U.S.C. § 636(c), to have a U.S. Magistrate Judge preside over a trial, with appeal to the U.S. Court of Appeals for the Fourth Circuit.

Do you consent to proceed before a U.S. Magistrate Judge: Yes [ ] No [x]. You may consent at any time; however, any early consent is encouraged.

VIII. SIGNATURE

If there is more than one plaintiff, each plaintiff must sign for himself or herself.

Signed this october day of october 5, 2010.

Plaintiff

Anthony Benjamin